



City of Norfolk

Right-of-Way Excavation & Restoration Manual

(Ordinance No. 40,778, Adopted by Council July 16, 2002)



**Department of Public Works
Division of Transportation**

July 1, 2002

Form and Correctness Approved:

Contents Approved:

Form CCO-003

By Martha P. McHarm
Office of the City Attorney

NORFOLK, VIRGINIA

By [Signature]
DEPT.

ORDINANCE No. 40,778

R-4

AN ORDINANCE TO AMEND AND REORDAIN SECTION 42-18 OF THE NORFOLK CITY CODE, 1979, TO ADD SUBSECTION (d) SO AS TO ADOPT A RIGHT-OF-WAY EXCAVATION & RESTORATION MANUAL

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That Section 42-18 of the Norfolk City Code, 1979, is hereby amended and reordained to add a new subsection to adopt a Right-of-Way Excavation & Restoration Manual, said subsection numbered and reading as follows:

Sec. 42-18. Excavations - Permit and deposit.

(d) Permits for excavation of the public ways shall be issued in accordance with the policies and standards set forth in the City's Right-of-Way Excavation & Restoration Manual dated July 1, 2002, which may be amended from time to time.

Section 2:- That this ordinance shall be in effect from and after its adoption.

Adopted by Council July 16, 2002
Effective July 16, 2002

TRUE COPY
TESTE:

R. BRECKENRIDGE DAUGHTREY, CITY CLERK

BY:

DEPUTY CITY CLERK



Right-of-Way Excavation & Restoration Manual

POLICY

- It shall be the policy of the City of Norfolk to improve and encourage the coordination of utility excavation work in the public right-of-way, in order to minimize the disruption of traffic flow, limit the inconvenience to Norfolk residents, businesses, and visitors, and provide for the public safety, health and well being.
- Under this policy a more comprehensive permit process is created to regulate excavations in the public right-of-way by both municipal and public utilities.
- The excavation permitting process should minimize the impact of construction on neighborhood residents and businesses by enforcing cleanliness and safety standards for construction sites, imposing strict timelines for construction, and requiring a durable restoration of the right-of-way with a uniform visual appearance.
- The right-of-way permitting process must allow the City to properly enforce violations of this policy through the imposition of civil or administrative penalties.
- This policy details a process for reviewing, denying, approving and conditionally approving permits.
- This policy is intended to minimize disruption to the public by improving the coordination of excavation work, which will help to ease traffic congestion and limit inconvenience to residents of and visitors to Norfolk.
- This policy will enhance public awareness by requiring that public and municipal utilities, and their subcontractors, give advanced notice to area residents and businesses of excavation plans or excavation permits.
- This policy provides for the establishment of regulations for the control of excavation sites that include protection of trenches and excavated material, prompt removal of excavated materials, and procedures for the treatment and remediation of hazardous material. It also requires that utility facilities that are visible in the public right-of-way be marked with the owner's identity.
- Prompt restoration of the public right-of-way is an essential element of this policy and will be strictly enforced.
- In an effort to minimize disruption caused by construction in the public right-of-way, all work within the public right-of-way shall be coordinated through the City's Right-of-Way Permit Office located at 810 Union Street, Room 200 City Hall Building (ph. 757-664-7306). This office will be responsible for permitting and coordinating excavations and utility cuts.

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2	Right-of-Way Application
3	Special Right-of-Way Application
4	Work Location Sheet
5	Arterial Streets
6	Collector Streets
7	Moisture Meter
8	Dynamic Cone Penetrometer
9	Compaction Inspection Form

1. GENERAL PROVISIONS.

1.1 EXCAVATION IN THE PUBLIC RIGHT-OF-WAY.

This section shall govern excavation in the Public Right-of-Way within the City that is under the jurisdiction and control of the Department of Public Works. The Director of Public Works shall be responsible for managing the Public Right-of-Way.

1.2 PERMITS REQUIRED TO EXCAVATE.

- (a) In accordance with the applicable sections of Chapter 42 of the Norfolk City Code, it is unlawful for any Person to make any excavation in any Public Right-of-Way, that is under the jurisdiction of the Department of Public Works, without first obtaining from the Department a permit authorizing such excavation.
- (b) The Department shall issue a permit to excavate only if the Applicant has the legal authority to occupy and use the Public Right-of-Way for the purposes identified in the application for the permit.
- (c) Permit requirements pertaining to emergency excavation are addressed in Section 3.5 of this manual.
- (d) In accordance with the provisions of Chapter 45 of the Norfolk City Code, it is unlawful for any Person to excavate within the drip-line (crown-spread) of any tree, shrub, or other vegetation greater than 24" in height, without first obtaining a tree work permit from the Bureau of Parks & Forestry.

1.3 ORDINANCES AND REGULATIONS.

In addition to the requirements set forth in this policy, the City may adopt such ordinances, regulations, or policies, as it deems necessary in order to preserve and maintain the public health, safety, welfare, and convenience. Each excavation in the Public Right-of-Way pursuant to this manual shall be performed in accordance with:

- (a) The applicable sections of Chapter 42, Streets and Sidewalks, of the Norfolk City Code.
- (b) The applicable sections of Chapter 45, Trees and Other Vegetation, of the Norfolk City Code.
- (c) The latest edition and applicable sections of the Virginia Department of Transportation Road and Bridge Specifications.
- (d) The latest edition of the Manual for Uniform Traffic Control Devices (MUTCD).
- (e) The latest edition of the Virginia Work Area Protection Manual.
- (f) The requirements and regulations of the Department of Public Works.
- (g) The requirements set forth in the City's "Policy Pertaining to Certain Telecommunications and Cable Television Facilities" dated April 18, 2000, ([See Attachment 1](#)).
- (h) The Virginia Underground Utility Damage Prevention Act.

1.4 DEFINITIONS.

For purpose of this policy, the following terms shall have the following meanings:

- (a) **"Applicant"** shall mean any Owner, Person, or company, who has submitted an application for a permit to excavate.
- (b) **"Block"** shall mean that part of the Public Right-of-Way that includes the street area from the property line to the parallel and/or opposite property line in width and extending from the centerline of an intersecting street to the nearest property line or to the centerline of the next intersecting street in length.
- (c) **"City"** shall mean the City of Norfolk.
- (d) **"Department"** shall mean the Department of Public Works.
- (e) **"Deposit"** shall mean any bond, cash deposit, or other security provided by the Applicant in accordance with their permit or franchise agreement.
- (f) **"Director"** shall mean the Director of the Department of Public Works or designee.
- (g) **"Excavation"** shall mean any work in the surface or subsurface of the Public Right-of-Way, including, but not limited to, opening the Public Right-of-Way; installing, servicing, repairing or modifying any Facility (ies) in or under the surface or subsurface of the Public Right-of-Way; and restoring the surface and subsurface of the Public Right-of-Way.
- (h) **"Facility"** or **"Facilities"** shall include but not be limited to, any and all cables, cabinets, ducts, conduits, converters, equipment, drains, handholds, manholes, pipes, pedestals,

splice boxes, surface location markers, tracks, tunnels, utilities, vaults and other appurtenances or tangible things owned, leased, operated, or licensed by a Person or company, that are located or are proposed to be located in the Public Right-of-Way.

- (i) **"Major Project"** shall mean any reasonably foreseeable excavation that will physically affect the Public Right-of-Way for more than 15 consecutive calendar days.
- (j) **"Municipal Utility"** shall mean any agency, board, commission, or department of the City, that owns, installs, or maintains any Facility or Facilities that are in the Public Right-of-Way.
- (k) **"Owner"** shall mean any Person, including the City, who owns any Facility or Facilities that are or are proposed to be installed or maintained in the Public Right-of-Way.
- (l) **"Permittee"** shall mean the Applicant to whom a permit to excavate or otherwise work in the public rights-of-way, has been granted by the Department of Public Works.
- (m) **"Person"** shall mean any individual, firm, owner, sole proprietorship, partnership, corporation, unincorporated association, governmental body, Commonwealth of Virginia, Federal Government, municipal corporation, executor, administrator, trustee, guardian, agent, occupant, or other legal entity.
- (n) **"Public Utility"** shall mean any Person or Owner whose Facility or Facilities in the Public Right-of-Way are used to provide electricity, natural gas, information services, sewer services, steam, chilled water, telecommunications, transit service, cable television, video, or other services to customers regardless of whether such Person or Owner is deemed a public service corporation by the Virginia Corporation Commission.
- (o) **"Public Right-of-Way"** shall mean the area across, along, beneath, in, on, over, under, upon, and within the dedicated public alleys, boulevards, courts, lanes, roads, sidewalk, spaces, streets, and ways which are or will be under the permitting jurisdiction of the Department of Public Works.

2. APPLICATIONS FOR PERMITS TO PERFORM AN EXCAVATION.

2.1 APPLICATIONS.

Applications shall be submitted in format and manner specified by the Department of Public Works ([See Attachment 2](#)) and shall contain:

- (a) The name, address, telephone, and facsimile number of the Applicant. When an Applicant is not the owner of the Facility to be installed, maintained, or repaired in the Public Right-of-Way the application also shall include the name, address, telephone, and facsimile number of the Owner.
- (b) A copy of the franchise, easement, encroachment agreement, or other legal instrument that authorizes the Applicant or Owner to use or occupy the Public Right-of-Way for the purpose described in the application. When the Applicant is not the owner of the Facility or Facilities to be installed, maintained, or repaired in the Public Right-of-Way, the Applicant must demonstrate, in a form and manner specified by the Department, that the Applicant is authorized to act on behalf of the owner.
- (c) A description of the location, purpose, method of excavation, and surface and subsurface area of the proposed excavation.
- (d) A scaled detailed drawing showing the proposed location, dimensions of the excavation, the nearest cross street, the right-of-way property line, a North arrow, other underground or overhead facilities in the vicinity of the proposed excavation, City trees and landscaping, and the facilities to be installed, maintained, or repaired in connection with the excavation, and any other details as the Department may require.
- (e) The proposed start date of excavation.
- (f) The proposed duration of the excavation, which shall include the duration of the restoration of the Public Right-of-Way physically disturbed by the excavation.
- (g) A detailed traffic control plan if required to accomplish the excavation.
- (h) Any proposed attachments to bridges require the submittal of a detailed site plan and specifications with the permit application for approval by the City Engineer.
- (i) The Miss Utility of Virginia ticket number.
- (j) A copy of the approved tree work permit, if applicable.
- (k) A valid signature of the Applicant acknowledging the terms and conditions of the policy and permit application.
- (l) Applicable permit fee(s) by bank draft made payable to the City of Norfolk. Alternatively, the Permittee may request that an account be established with the Department. If the account request is approved, the Permittee will be invoiced on a monthly basis for permits issued during the preceding thirty- (30) day period.

- (m) Any other information that may reasonably be required by the Department of Public Works.

2.2 INSURANCE

- (a) Permittee shall secure and maintain in force insurance, including malicious mischief and vandalism, with minimum acceptable amounts described below, naming the City as additional insured, while working in the Public Right-of-Way.

(i)	Worker's Compensation :	Statutory
	Employer's Liability:	\$100,000 per accident injury
(ii)	Commercial General Liability:	
	Bodily Injury:	\$500,000 per person
		\$1,000,000 per occurrence
		\$1,000,000 aggregate
	Property Damage:	\$500,000 per occurrence
		\$1,000,000 aggregate

- (b) The Commercial General Liability Insurance required above shall also include the following extensions of coverage:

- (i) The coverage shall be provided under a Comprehensive form of policy or similar thereto.
- (ii) X.C.U. Coverage - If the work in the Public Right-of-Way requires any work procedures involving blasting, excavating, tunneling or other underground work, the liability coverage shall include Standard Blasting or Explosion Coverage, Standard Collapse Coverage and Standard Underground Coverage, commonly referred to as XCU liability coverage with limits of \$500,000 each occurrence and \$1,000,000 aggregate.
- (iii) The property damage coverage shall include a Broad Form Property Damage Endorsement.

- (iv) Contractual Liability coverage shall be included.
 - (v) Protective Liability coverage shall be included to protect the Permittee against claims arising out of operations performed by its subcontractors.
 - (vi) Product Liability and/or Completed Operations coverage shall be included.
- (c) Comprehensive Automobile Liability including owned, non-owned and hired vehicles:
- | | |
|------------------|----------------------------|
| Bodily Injury: | \$500,000 per person |
| | \$1,000,000 per occurrence |
| | \$1,000,000 aggregate |
| Property Damage: | \$500,000 per occurrence |
| | \$1,000,000 aggregate |
- (d) Environmental Impairment Liability Insurance. If applicable, as determined by the City, the Permittee shall procure and maintain during the life of the contract Environmental Impairment Liability Insurance, which shall protect against all claims and costs including but not limited to bodily injury or property damage claims (including clean-up costs) caused by pollution conditions, as herein defined, arising from the permitted work. Pollution conditions means the discharge, dispersal, release or escape of smoke, vapor, soot, fumes, acids, alkalis, toxic chemicals, liquids, gases, waste materials or other irritants, contaminants, or pollutants into or upon land, the atmosphere or any watercourse or body of water, which results in bodily injury or property damage. The policy limits shall be \$1,000,000 per occurrence.
- (e) All insurance policies required hereunder shall contain an expressed provision therein, or endorsement attached thereto, worded substantially as follows:

“The policy herein referred to is not to be cancelled or become subject to reduction of coverage prior to thirty days after the City has received written notice mailed to the address noted hereinbefore, as evidenced by return receipt of registered letter.”

- (f) All insurance certificates and/or policies shall designate the City of Norfolk, its employees, and its agents as "additional insured" regarding the permitted work.
- (g) Certificates of Insurance issued by companies licensed within the Commonwealth of Virginia shall provide the designated insurance.
- (h) Subcontractor's Insurance. The Permittee shall require all subcontractors to secure and maintain in force insurance containing the same coverage and amounts as described in Paragraph 2.2.

2.3 GUARANTEE FEES; IRREVOCABLE LETTER OF CREDIT; SURETY BOND.

Unless otherwise provided for in a franchise agreement, a guarantee fee, irrevocable letter of credit or surety bond shall be required on all permits issued.

- (a) Guarantee fees - A guarantee fee is a cash amount paid by the Permittee in advance of permit issuance to cover the performance of work within the Public Right-of-Way. When work covered by the Permittee is completed to the satisfaction of the Director, the guarantee fee is refunded in its entirety to the Permittee. The guarantee fee may be paid by personal check, cashier check, certified check, or money order. Should the Permittee fail to complete the work to the satisfaction of the Director, then all or whatever portion of the guarantee fee that is required to complete work covered by permit or restore the Public Right-of-Way to its original condition shall be retained by the Department. Refunds of guarantee fees are processed by the Department upon notification by the Director that the work has been completed. Normally, six to eight weeks should be allowed for return of the guarantee fee once notice has been received by the Right-of-Way Permit Office.
- (b) Irrevocable letter of credit - An irrevocable letter of credit may be used in lieu of a guarantee fee or performance bond. This letter of credit is furnished by a bank and is used to verify a line of credit that will be set aside to provide for coverage of work performed by the Permittee or his agent in accordance with the approved permit.
 - (i) The City shall have the right to withdraw funds from the irrevocable letter of credit for the Permittee's failure to complete the work in the Public Right-of-

Way, including restoration, in an amount up to the City's actual costs, including overhead costs.

- (c) Continuing bonds and performance bonds - All bonds shall indicate what permit the bond is for and define what type of work the bond covers, giving the permit number, and whether it is a continuous bond or a performance bond.
 - (i) Continuing bond - They are required on all permits covering installations within the Public Right-of-Way that are of a continuous nature. The estimated amount of the bond is the amount the Director anticipates it will take the City, or the City's subcontractor, to complete or restore the work should the Permittee fail to complete it. The purpose of this type of bond is to ensure proper maintenance of the installation; to ensure the removal or relocation of the installations when deemed necessary for the safety of the traveling public; also for improvements or reconstruction of the Public Right of Way. The bond shall remain in full force as long as the work covered under the permit remains within the Public Right-of-Way.
 - (ii) Performance bond - They are for the actual performance of the work covered by the permit. The estimated amount of the bond is the amount the Director anticipates it will take the City, or the City's subcontractor, to complete or restore the work should the Permittee fail to complete it. Once the work has been completed to the satisfaction of the Director, the performance bond may be cancelled. Responsibility for the work covered by the permit shall not be eliminated until such time as a completion notice has been released by the Director, and coverage under the performance bond shall remain in effect until the bond has been cancelled by the Right-of-Way Permit Office.

2.4 SPECIAL RIGHT OF WAY PERMIT - STREET OR SIDEWALK CLOSURE.

All work within the Public Right-of-Way, which closes or prevents access to the pavements, driveway entrances, sidewalk, or blocks any lanes of traffic, requires a special right-of-way permit ([See Attachment 3](#)). This work may include, but is not limited to, utility main and/or

lateral replacement and repair; valve replacement and repair; installation of new underground mains or laterals, structures or accessories; splices, buried drops (under pavement or sidewalks); pole replacement (auto accident or other); changes in height; cathodic protection; ground water monitoring wells; boxes and vault installations; open cuts, jacking or boring under the Public Right-of-Way where disturbance within the Public Right-of-Way may occur. The City Transportation Engineer or designee must approve traffic detours or lane closures.

2.5 COORDINATION OF EXCAVATION.

Whenever Municipal and/or Public Utilities propose Major Projects in the same Block within a five- (5) year period, permits for such work shall be conditioned in a manner that maximizes coordination and minimizes the total period of construction.

3 PERMITS TO PERFORM EXCAVATION

3.1 ACTION ON APPLICATIONS FOR PERMITS TO EXCAVATE.

- (a) After receipt of an application for an excavation permit, the Right-of-Way Permit Office, within five (5) business days, shall determine whether an application has been properly completed.
- (b) If the application is deemed to be incomplete, the Right-of-Way Permit Office will advise the Applicant of the reasons for rejecting the application as incomplete.
- (c) If the application is deemed to be complete, the Right-of-Way Permit Office, in its discretion, may deny, approve, or conditionally approve the application within thirty (30) calendar days.
 - (i) If the application is approved or conditionally approved, the Right-of-Way Permit Office shall issue a permit to the Applicant. The Right-of-Way Permit Office may condition a permit with specified requirements that preserve and maintain the public health, safety, welfare, and convenience.

- (ii) If the application is denied, the Right-of-Way Permit Office shall advise the Applicant in a written, electronic, or facsimile communication of the basis for denial.

3.2 TERMS AND LIMITATIONS.

The permit shall specify the location, extent, and method of the excavation, the start date and duration of the excavation, the Permittee to whom the permit is issued, and any conditions placed on the permit.

3.3 EXPIRATION OF PERMIT.

Permits shall be void if the excavation as specified in the permit, has not started within forty-five (45) calendar days of the start date specified in the permit. If the excavation, including restoration, has not been completed within the time specified in the permit, the Director may issue a "Stop Work Order," and/or withhold future permits or cause such work to be completed by other contractors at the Permittee's sole expense; provided, however, that the Director may issue extensions to the start date, or time of completion, or both, upon written request from the Permittee stating the reasons for the extension.

3.4 NON-TRANSFERABILITY OF PERMITS.

Permits are not transferable from Owner to Owner.

3.5 EMERGENCY EXCAVATION.

Nothing contained in this policy shall be construed to prevent any Person from taking any action necessary for the preservation of life or property when such necessity arises anytime when the Department is closed. In the event that any Person takes any action to excavate or cause to be excavated the Public Right-of-Way pursuant to this Section; such Person shall apply for an emergency permit within four hours after the Department's offices are first opened. The Applicant for an emergency permit shall submit a written statement of the basis of the emergency action and describe the excavation performed and any work remaining to be performed.

3.6 LIABILITY UPON PERMITTEE.

Each Permittee is wholly responsible for the quality of the excavation performed in the Public Right-of-Way and is liable for all consequences of any condition of such excavation and any Facilities installed in the Public Right-of-Way. Permittee agrees and binds itself to indemnify, keep and hold the City, its officers, agents, and employees free and harmless from any and all claims, causes of action, damages or any liability on account of any injury or damage of any type to any persons or property growing out of, or directly or indirectly resulting from, any act or omission of Permittee, including but not limited to: (a) Permittee's use of the public ways or other areas of the City; (b) the acquisition, construction, reconstruction, erection, installation, operation, maintenance, repair or extension of Permittee's facilities; (c) the failure, refusal or neglect of Permittee to perform any duty imposed upon or assumed by Permittee by or under their permit. In the event that any suit or proceeding shall be brought against the City at law or in equity, either independently or jointly with Permittee on account thereof, Permittee, upon notice given to it by the City, will defend the City in any such action or other proceeding at the cost of the Permittee. In the event of any settlement or final judgment being awarded against the City, either independently or jointly with Permittee, then Permittee will pay any such settlement or judgment or will comply with such decree, pay all costs and expenses of whatsoever nature and hold the City, its officers, agents, and employees free and harmless therefrom. The issuance of any permit, inspection, repair, or suggestion, approval or acquiescence of any person affiliated with the Department shall not excuse the Permittee from such responsibility or liability.

3.7 PERMIT TO BE AVAILABLE AT EXCAVATION SITE.

The permit or a photo duplicate shall be available for review at the site of the excavation for the duration of the excavation and shall be shown, upon request, to any police officer or any other employee of a City agency or department with jurisdictional responsibility over activities in the Public Right-of-Way. Failure to have a valid copy of any required permits on-site may cause a "Stop Work Order" to be issued. All additional costs incurred, as result of the issuance of a "Stop Work Order," shall be the Permittee's responsibility.

3.8 FEES AND DEPOSITS.

Permittee shall remit to the City the applicable fees and deposits as required by the applicable sections of the Norfolk City Code and this Manual. Contact the Right-of-Way Permit Office for current permit fee(s) and deposit information.

4. EXCAVATIONS.

4.1 NOTICES.

Any Permittee who makes an excavation in the Public Right-of-Way shall provide notice as follows:

- (a) At least twenty-four (24) hours prior to the commencement of work, the Permittee shall fax or deliver a work location(s) sheet ([See Attachment 4](#)) to the Right-of-Way Permit Office (Fax 757-664-4696). Failure to fax or deliver the work location(s) sheet within the prescribed time may result in the issuance of a "Stop Work Order" by the Director of Public Works. All additional costs incurred, as a result of the issuance of a "Stop Work Order," shall be the Permittee's responsibility.
- (b) Notice for Major Projects.
 - (i) At least fourteen (14) calendar days prior to commencement of the excavation, the Permittee shall provide written notice, delivered by United States mail, to each property owner on the Block(s) affected by the excavation. Neighborhood Civic League and/or merchant organizations that will be affected shall also be notified. The notice shall include a description of the excavation to be performed and the duration of the excavation. The notice shall also include the name, address, and 24-hour telephone number of the Permittee or a Person who will be available to provide information to and receive complaints from any member of the public concerning the excavation.
 - (ii) The Permittee shall post and maintain notice at the site of the excavation at least forty-eight (48) hours prior to commencement of the excavation in the same manner and with the same information as required for posted notice pursuant to Subsection (i). In accordance with Chapter 45 of the Norfolk City Code, it is

unlawful to post or affix by any means any notices, signs, or other objects of any kind to a tree on City property. At least forty-eight (48) hours prior to commencement of the excavation, the Permittee also shall deliver a written notice, door hanger or equivalent, to each dwelling unit and property owner on the Block(s) affected by the excavation. This written notice shall include the same information that is required for the written notice pursuant to this Subsection (i).

- (iii) Before commencement of construction, the Permittee shall post and maintain excavation project signs at the site of the excavation that describe the excavation being done and bear the name, address, and 24-hour telephone number of a contact person for the owner and Permittee. Said excavation project signs shall be in format, quantity, and size specified by the Department.
- (c) Notice for emergency excavation. For emergency excavation, the Permittee, or the Applicant if a permit has not been issued, shall post and maintain a notice at the site of the excavation during the construction period. The notice shall include the name, telephone number, and address of the owner and Permittee, a description of the excavation to be performed, and the duration of the excavation. The notice shall be posted at least every 100' along any Block where the excavation is to take place. The Permittee or Applicant shall also notify, as soon as possible, the Department, or if after normal business hours, the Police non-emergency number (757-441-5610) and advise of the emergency excavation and any potential impacts on traffic flow or traffic or pedestrian safety.

4.2 NOTICE FOR MARKING OF SUBSURFACE FACILITIES.

- (a) In accordance with State law, any Person excavating in the Public Right-of-Way shall comply with the requirements of the Virginia “Underground Utility Damage Prevention Act” regarding notification of excavation and marking of subsurface Facilities

4.3 LIMITS UPON EXCAVATION IN THE PUBLIC RIGHT-OF-WAY.

- (a) Scope. It is unlawful for any Permittee to make, to cause, or permit to be made, any excavation in the Public Right-of-Way outside the boundaries, times, and description set forth in the permit.
- (b) Single excavation maximum of 500 feet. No single excavation site shall be longer than 500 feet in length at any time except with the prior written approval of the Director.
- (c) No work will be permitted (except for emergencies) on certain streets during special City events, or other events so designated by the Director.
- (d) In accordance with the provisions of Chapter 45 of the Norfolk City Code, it is unlawful for any Person to excavate within the drip-line (crown-spread) of any tree, shrub, or other vegetation greater than 24" in height, without first obtaining a tree work permit form the Bureau of Parks & Forestry.

4.4 REGULATIONS CONCERNING EXCAVATION SITES.

Each owner and Permittee shall be subject to requirements for excavation sites that are set forth herein and shall include, but not be limited to, the following measures:

- (a) Protection of the excavation. Each Permittee shall cover an open excavation with properly designed and load rated steel plates ramped to the elevation of the contiguous street, pavement, or other Public Right-of-Way, or otherwise protected in accordance with guidelines prescribed by the Department. Steel plates must be secured so that it does not slip, must be skid resistant, and must not deflect from traffic loads. Steel plates must extend at least one foot on all sides of the excavation and must be firmly anchored with pins.
- (b) Housekeeping and removal of excavated material. Each Permittee shall keep the area surrounding the excavation clean and free of loose dirt or other debris in a manner deemed satisfactory to the Department. In addition, the Permittee shall remove all excavated material from the site of the excavation no later than the end of each workday.

- (c) Hazardous material. Each Permittee shall be subject to hazardous material guidelines for data collection; disposal, handling, release, and treatment of hazardous material; site remediation; and worker safety and training. The Permittee shall comply with all federal, state, and local laws regarding hazardous material. For purposes of this Subsection, hazardous material shall mean any gas, material, substance, or waste which, because of its quantity, concentration, or physical or chemical characteristics, is deemed by any federal, state, or local governmental authority to pose a present or potential hazard to human health or safety or to the environment.
- (d) Traffic Control. All traffic control devices and provisions around construction sites shall be installed and maintained in accordance with the "Manual for Uniform Traffic Control Devices" (MUTCD) and the "Virginia Work Area Protection Manual," subject to modification for specific locations by the Director. The Permittee is responsible for the maintenance and condition of all signs and their appurtenances, 24 hours a day, seven (7) days a week.
- (e) Erosion and Sediment Control. Erosion and sediment control around work sites shall be in accordance with the "Virginia State Erosion & Sediment Control Handbook" (current edition) and the Norfolk City Code. Inlet protection should be provided at curb inlets and yard drains. Under no circumstances shall material be allowed to enter the storm drain system. Excess material/sediment shall be allowed to dry and then removed by vacuum sweeper or shoveling and hauled away. Street washing shall be allowed only after sediment is removed in this manner. Effluent from dewatering operations shall be filtered or passed through an approved sediment trapping device, or both, and discharged in a manner that does not adversely affect adjacent property.
- (f) Tree, shrub, or landscape protection and preservation requirements shall be in accordance with Chapter 45 of the Norfolk City Code and any conditions or restrictions referenced in a tree work permit.
- (g) Job-site parking. No job-site parking on sidewalks or landscaping is permitted. Parked vehicles and equipment shall not restrict private property access nor hinder sight distances for traffic. It is unlawful to park or place vehicles, equipment construction supplies or

materials, excavated or fill soil, construction spoils or debris, chemicals (fuel, oil, adjuvant, etc) within the drip-line (crown-spread) of any tree on City property.

- (h) Pedestrian Access. The Permittee must provide pedestrian access to abutting properties or the Public Right-of-Way in a safe manner. Protective barricades, fencing, handrails and bridges, together with warning guidance devices and signs must be utilized so that the passageway for pedestrians is safe and well defined. Installation of a fixed pedestrian walkway of the fence-and-canopy type to protect and control pedestrians is also recommended where hazardous work conditions exist overhead. The walk area shall comply with OSHA standards, Local Building Codes, ADA Guidelines and any additional requirements set forth by the Department.
- (i) Walkways in construction areas shall be maintained at least five (5) feet in width and free from abrupt changes in grade. (Maximum allowable grade is 1" rise in 12" of run.) Obstructions within the walkway shall be illuminated during hours of darkness. Minimum vertical clearance to any obstruction within the walkway shall be at least seven feet.
 - (ii) Where sidewalks are closed or damaged by construction, an alternate walkway shall be provided. When necessary to divert pedestrians into the parking lane of a street, approved barricading or delineation shall be provided to separate the pedestrian walkway from the adjacent traffic lane. At no time shall pedestrians be diverted into a portion of the street used for vehicular traffic. This includes and prohibits the closure of a sidewalk midblock, unless a properly signed and marked temporary (mid-block) crosswalk has been provided.
 - (iii) At locations where alternate walkways cannot be provided, appropriate signs and barricades must be installed at the nearest crosswalk or intersection to divert pedestrians across the street. The Permittee must submit a special plan on the pedestrian route and signage for this type of closure.

4.5 WORK WITHIN THE STREETS.

- (a) **Arterial Streets:** These are streets functionally classified by VDOT as principal arterials or minor arterials ([See Attachment 5](#)). No work will be permitted on arterial streets during the peak traffic hours of 6:00 a.m. to 9:00 a.m. and 3:00 p.m. to 6:00 p.m. (Monday through Friday only), except emergency work to restore services, or such times as authorized by the Director. Lane closures will be restricted to the working lane only and two-way traffic must be maintained at all times, unless otherwise authorized by the Director.
- (i) Arterials must be opened to traffic each night. All utility cuts must be covered by a steel plate or a temporary asphalt patch, before leaving the site. The permanent asphalt patch must be placed the same day the work is completed for minor projects and within thirty (30) calendar days of completion for Major Projects, unless otherwise directed by the Department. When notified by the Department of an unsafe opening, the Permittee must respond and repair such opening within four (4) hours.
 - (ii) The Department reserves the right to effect any and all required repairs, necessitated by emergency conditions, and warrant for the collection of all associated costs from the Permittee.
- (b) **Collector Streets:** These are streets functionally classified by VDOT as urban collectors ([See Attachment 6](#)). No work will be permitted on collector streets during the peak traffic hours, 6:00 a.m. to 9:00 a.m. and 3:00 p.m. to 6:00 p.m. (Monday through Friday only), except emergency work to restore services, or such times as authorized by the Director. Two-way traffic must be maintained at all times, unless otherwise authorized by the Director.
- (i) Collectors must be opened to traffic each night. All utility cuts must be covered by a steel plate or a temporary asphalt patch before leaving the site. The permanent asphalt patch shall be placed as soon as possible but no later than five (5) days after work completion for minor projects, and within thirty (30) calendar days for Major Projects, unless otherwise directed by the Department. When

notified by the City of an unsafe opening, the Permittee must respond and repair such opening within four (4) hours.

- (ii) The Department reserves the right to effect any and all required repairs, necessitated by emergency conditions, and warrant for the collection of all associated costs from the Permittee.
- (c) **Residential Streets:** These are streets and cul-de-sacs, which provide direct access to adjacent property or individual homes. Residential streets are functionally classified by VDOT as local streets. No work will be permitted on residential streets before 7:30 a.m. or after 5:00 p.m. (Monday through Friday only), except emergency work to restore services. Work on Saturday and Sunday will be permitted only at such times as authorized by the Director. At least a single lane must be provided for two-way traffic with a flagman available for control, unless otherwise authorized by the Director.
 - (i) Excavations in residential streets must be protected each night. This may be achieved by steel plating, cold mix or plant mix to grade, or lighted barricades and fencing. The permanent asphalt repair shall be made as soon as possible but no later than five (5) days after work completion for minor projects and within thirty (30) calendar days for Major Projects, unless otherwise directed by the Department. When notified by the Department of an unsafe opening, the Permittee must respond and repair such opening within four (4) hours.
 - (ii) The City reserves the right to effect any and all required repairs, necessitated by emergency conditions, and warrant for the collection of all associated cost from the Permittee.

4.6 WORK OUTSIDE THE PAVEMENT.

- (a) All work areas outside the pavement shall be restored to their original condition after work completion. All pits/trenches remaining open overnight shall be barricaded or fenced on all sides to ensure pedestrian and motorist safety.

- (b) When the work area is interrupted in excess of one week, temporary repairs (select fill to grade) must be made. No work area outside of the pavement will be left in a disturbed condition over ten (10) days. When the Permittee is notified of a failure in the work area (i.e. cave-in), the Permittee must respond and repair the work area within 24 hours.
- (c) The City reserves the right to effect any and all required repairs, and warrant for the collection for all associated costs from the Permittee, where necessitated by emergency conditions.

4.7 QUALITY ASSURANCE/QUALITY CONTROL INSPECTION.

The inspection process is the primary method by which the Department seeks to protect the City's investment in its Public Right-of-Way infrastructure. A uniform and responsive inspection process will ensure that the work is completed in accordance with the standards for reconstruction and site restoration specified and referenced herein. The Department's inspection effort will also ensure that the City's infrastructure attains its maximum useful life and utility restoration callbacks are minimized.

- (a) The Department's quality assurance efforts complement the Permittee's quality control efforts. Quality assurance begins with the site plan review process for Public and Municipal Utility projects. City Right-of-Way Inspectors are responsible for the inspection of all permitted work within the Public Right-of-Way. The inspector serves as liaison with Permittee to advise on construction standards and practices and to coordinate activities between the City and other utility companies and to advise on the extent of restoration.
- (b) Quality control is the responsibility of the Permittee. The Permittee is expected to be familiar with the applicable standards referenced herein and to employ qualified and licensed subcontractors that will utilize these standards in the restoration of the Public Right-of-Way. Permittees and their subcontractors who fail to comply with these standards risk denial of permits for performing future work in the Public Right-of-Way.
- (c) Inspection services will be provided by the Department as necessary, and upon a request by the Permittee or their subcontractors. On some projects, due to scope, location, or duration

of the work, it will be necessary to notify the inspector at least forty-eight (48) hours before beginning the work. This provision will usually be noted at the time the permit is issued.

- (d) The City's Right-of-Way Inspector will be focused on restoration of the Public Right-of-Way, backfill, compaction, hazard protection, repaving, and traffic control. Some inspections will be ongoing throughout the duration of a Permit, whereas other inspections will be made only after completion of the work. Factors that will be considered for ongoing inspections include location of work, duration of work, size of area being disturbed or other issues as determined by the Department.

5. RESTORATION STANDARDS / RESTORATION OF THE PUBLIC RIGHT-OF-WAY.

Each Permittee that excavates or is responsible for an excavation in the Public Right-of-Way shall be responsible to maintain, repair, or restore the site of the excavation to a condition acceptable to the Director. All restoration shall result in a work site condition equal to or better than that, which existed prior to construction. The following provisions will serve as guidelines for work in the City of Norfolk:

5.1 PAVEMENT.

Pavement restoration shall match the existing street cross section and pavement type. The limits of restoration required to any pavement type shall be dependent on the size and location of the excavation. Any variance of the limits of restoration required is at the discretion of the City Right-of-Way Inspector(s). In all cases the work site must be cleaned up each day.

1. Limits of Restoration:

(a) Asphalt Pavement:

- (i) Any excavation, which transversely covers six feet (6') of a lane (eleven feet (11') typical), shall require the entire lane width to be paved.

- (ii) Multiple excavations that are located less than or equal to twenty feet (20') from one another, longitudinally, and within a lane shall be considered and restored as a single patch.
 - (iii) For any excavation that disturbs more than 30% of an intersection, the Department may require the restoration limits to be larger than the work area to insure a smooth, rideable surface.
 - (b) **Concrete Pavement:**
 - (i) Any excavation in a concrete pavement shall require a slab replacement from the nearest transverse joint longitudinally and the entire width of the lane.
2. **Backfilling and Compaction:**
- (a) Select fill material shall be as defined in the current edition of the VDOT Road and Bridge Specifications. The Permittee may elect to use controlled density (flowable) fill in lieu of select fill, subject to prior approval of the Department. Controlled density fill material may not be used as a riding surface. Stone may be substituted for select fill at the discretion of the City Right-of-Way Inspector. Each excavation shall be backfilled and compacted within seventy-two (72) hours from the time the construction, related to the excavation, is completed.
 - (b) The Permittee shall use a moisture meter to test backfill moisture content ([See Attachment 7](#) for procedure). Select fill material shall be placed in four-inch (4") lifts and compacted after each lift with appropriate compaction equipment. Compaction by backhoe bucket and/or vehicle tires is not acceptable. A minimum of twelve inches (12") of backfill should be placed over any utility pipe before compaction over the pipe. As part of the Permittee's quality control plan, written verification of compaction is required. The Permittee shall use a Dynamic Cone Penetrometer (DCP) (or comparable equipment) to test the compaction

of the backfill. A density rate of 90% must be achieved for adequate compaction (See Attachment 8 for DCP procedure). The Permittee shall submit written compaction test results (See Attachment 9 for sample form) to the Right-of-Way Permit Office or the City's Right-of-Way Inspector. When controlled density fill type material is used, steel plates must be placed over the work area to allow sufficient time for the material to set properly. All material must "set" within 72 hours of placement.

3. **Permanent Patch:**

- (a) Patches will be approved based on their general appearance as well as their "rideability." Rideability is defined as a leveling tolerance to within one-quarter inch (1/4") at any point across the patch as it relates to the surrounding street surface.
- (b) **Asphalt Pavement:**
 - (i) New hot mix asphalt will be placed in lifts (3" maximum) and compacted using a vibratory plate compactor or a static roller. Asphalt depths will be governed by the existing cross section of the street. When it is necessary to use cold patch in an opening due to the unavailability of hot mix material, the cold patch will be applied in one lift, approximately 2 inches thick. The restoration will not be considered complete until the cold patch is removed and replaced with hot mix asphalt.
- (c) **Concrete Pavement:**
 - (i) Once the compacted backfill has been placed, 1" dowel bars, a minimum of 15" long, must be installed 7.5" into the existing concrete slabs. The bars shall be placed on 12" centers and grouted with an approved adhesive or grout. Welded wire fabric may be required. A "high early" strength (5,000-psi minimum

strength within 7 days) concrete mix is required for concrete pavements and valley gutters. Place, finish, and protect new concrete with adequate protection during its curing period. Concrete is required to "set" within 4 hours of placement. Before the pavement is opened to traffic, joints must be cleaned and properly sealed.

5.2 TRANSPORTATION.

- (a) **Signalized Intersections:** The Permittee, or the Permittee's subcontractor, must not cut into the pavement of a signalized intersection without contacting the Public Works Traffic Operations Center (ph.757-441-5818) 48 hours in advance. Traffic Operations will attempt to locate and mark buried loop detection devices. Any Permittee, or Permittee's subcontractor, that damages a loop detector must replace the damaged loop detector within 48 hours of such damage.
- (b) **Pavement Markings:** Lane striping or other painted and affixed delineators, which are removed or damaged, must be replaced by the Permittee before restoration will be considered complete. Replacement materials for lane striping and other affixed delineators shall furnished as specified and approved by Traffic Operations.

5.3 SIDEWALKS.

Damaged sidewalks shall be removed and replaced in full sections (nearest joint). Replacement sidewalk material shall match the existing sidewalk to the extent practicable. All concrete edges that are to be removed must be saw cut and formed from construction joint to joint. A section's size will be determined by the adjacent sections or by the City's Right-of-Way Inspector.

- (a) Any sections of sidewalk that have been undermined must be cut out and replaced. Suitable backfill must be installed and compacted prior to replacement.
- (b) The Permittee, or the Permittee's subcontractors, must not park any vehicles and/or equipment on City sidewalks or beneath the drip-line (crown spread) of any tree, shrub, or within a landscaped bed on City property. Any damage observed after the

work has been completed will be the Permittee's responsibility. The Permittee will be required to make the necessary repairs before the work will be accepted.

5.4 CURB RAMPS FOR PEOPLE WITH MOBILITY IMPAIRMENTS.

Any work which requires the disturbance of the curb, and/or sidewalk, touching the back of the curb located within a street intersection return, must be removed and replaced with a curb ramp, at the Permittee's sole expense. The ramp shall be constructed of exposed aggregate concrete in accordance with current Virginia Department of Transportation and City of Norfolk standards and specifications. Ramps located on arterial or collector street intersections must be installed perpendicularly (90°) to the street, and ramps located along residential streets may be installed at 45° to the intersection of the street. When the work disturbs an existing curb ramp, the ramp will be removed and replaced in its entirety and installed in accordance with current standards and specifications.

5.5 DRIVEWAY APRONS.

Driveway aprons shall not be "patched" following any utility work until the Permittee or the Permittee's subcontractor has notified the Right-of-Way Permit Office for an inspection. The materials and method of restoration or replacement must be done in accordance with the Department's design standards, and as specified by the Director. All edges of concrete restoration shall be sawcut.

5.6 CURB AND GUTTER.

When curb and gutter are disturbed or damaged, they must be replaced in full ten-foot (10') sections and match existing curb and gutter materials to the extent practicable. Existing curb elevations must match and a constant grade ensured to provide positive drainage. Curb and gutter must be installed over 6" of compacted crush stone base that extends 12" past the back of curb and match the adjacent curb sections and materials (i.e., concrete, exposed aggregate). Expansion material must be used at all joints. If the work includes removal of a section which was finished with a control joint, the Permittee must saw cut the joint prior to removing the existing section, or as directed by the City Right-of-Way inspector.

5.7 STREET/ROAD CROSSINGS.

- (a) The preferred method of crossing a street in the City of Norfolk will be by boring and jacking the new pipe, service line, conduit or system extension under the street crossed. Horizontal Directional Drilling (HDD) may also be used within the Public Right-of-Way. The following conditions will apply.
- (i) Horizontal Directional Drilling equipment operators must be trained, preferably by the equipment manufacturer, in the safe and proper operation of the equipment. Written proof of proper training shall be furnished to the City's Right-of-Way Inspector upon request. Failure to furnish training documentation could result in a Stop Work-Order being issued. All additional costs incurred by the Permittee, as result of the issuance of a "Stop Work Order," shall be the Permittee's responsibility.
 - (ii) For all underground utility construction, the Permittee shall thoroughly investigate the location of all known Public or Municipal Utilities paralleling or crossing the proposed path of the proposed utility facilities.
 - (iii) All Public Utility Facilities which are to be located underground shall, after the effective date of this Manual, be installed to a minimum depth of twenty-four (24) inches below the surface of the Public Right-of-Way.
 - (iv) The Permittee is encouraged to use observation pits (pot-holes) to verify the location of existing underground utility facilities.
 - (v) HDD equipment shall have directional control of the boring tool and have an electronic boring tool location detection system. During operation the HDD equipment, the operator shall be able to determine the location of the boring tool both horizontally and vertically.
 - (vi) The Permittee or the Permittee's subcontractor must be in direct charge and control of the HDD operation at all times.

- (vii) The City's Right-of-Way Inspector shall be notified 48 hours in advance of starting HDD operations. HDD operations must be performed in the presence of a City Right-of-Way Inspector unless otherwise directed by the Department.
- (b) A street may also be crossed with an open cut to the pavement if approved by the Department. The following conditions will apply.
 - (i) The use of steel road plating and a controlled density fill material will be required to ensure uniform compaction in order to reopen the street to traffic at the earliest possible time.
 - (ii) Concrete roadways will be repaired to the nearest expansion joint, and doweled (steel dowel rods) into the adjacent existing concrete.

5.8 UTILITY MARKING - REMOVAL.

The Permittee is responsible for ensuring that all utility markings are removed within twenty (20) days after the completion of work. If the utility marks are not removed by the time specified herein, the City will consider the marks as graffiti. The City, in accordance with existing City ordinances, may remove graffiti, and the costs associated with such removal will be the responsibility of the contractor or Permittee. The City shall have the right to suspend further permits to contractor or Permittee until the utility marks removed.

5.9 LANDSCAPING.

The Department of Neighborhood and Leisure Services, Bureau of Parks and Forestry, is responsible for managing and maintaining trees, shrubbery, grass and other vegetation in the Public Right-of-Way and road median landscapes. All landscape restoration shall be performed as specified in the Permittee's tree work permit and in accordance with Chapter 45 of the Norfolk City Code. The Permittee is advised that violations of Chapter 45 of the Norfolk City Code could result in the issuance of a summons, which will be a class one misdemeanor.

6.0 VIOLATIONS.

- (a) The Director has the authority to enforce the regulations and standards specified in the Right-of-Way Excavation & Restoration Manual against violations thereof. Upon the Director's determination that a Person or Permittee has violated any provision of this Manual, the standard details and specifications, notices, ordinances, or regulations of the Department; any term, condition, or limitation of any permit; or is subject to any outstanding fees, deposits, or other charges, the Director shall serve notice on said Person or Permittee to promptly abate the violation. Any Person or Permittee whom the Director determines to be responsible for violating the provisions contained in this Manual may be subject to any or all of the enforcement mechanisms as hereinafter specified.
- (b) Violations by Municipal Utilities are not subject to the penalties and fines specified in Sections 6.4. The Director is empowered to abate violations by Municipal Utilities and may charge the cost of such abatement to the expense budget of the Municipal Utility, take other appropriate action against such agency within the Director's authority, or both.

6.1 STOP WORK ORDER, PERMIT MODIFICATION, AND PERMIT REVOCATION.

When the Director has determined that a Permittee has violated the provisions of this Manual or that an excavation poses a hazardous situation or constitutes a public nuisance, public emergency, or other threat to the public health, safety, or welfare, the Director is authorized to issue a Stop Work Order, to impose new conditions upon a permit, or to suspend or revoke a permit by notifying the Permittee of such action in a written, electronic, or facsimile communication.

6.2 SUBSURFACE OR PAVEMENT FAILURES - WARRANTY.

In the event that subsurface material or pavement over or immediately adjacent to any excavation should become depressed, broken, or fail in any way within two (2) years after the excavation has been completed and accepted by the City, the Permittee and the Permittee's subcontractor, that is responsible for the failure in the subsurface or surface of the Public Right-of-Way and shall make the necessary repairs as directed by the Department. The Director shall notify the Permittee or subcontractor of the condition, location, and the required remedy, and such Permittee or subcontractor shall repair or restore, or cause to be repaired or restored, such condition to the

satisfaction of the Director within seventy-two (72) hours of the notification. The Director may extend the time for the responsible party to repair or restore the affected Public Right-of-Way.

6.3 REPAIR BY THE DEPARTMENT.

- (a) In the event that any Permittee or subcontractor fails, neglects, or refuses to repair or restore any condition pursuant to the Director's notice as set forth in Section 6.2, the Director may repair or restore, or cause to be repaired or restored, such condition in such manner as the Director deems expedient and appropriate. The Permittee or subcontractor identified by the Director as the responsible party shall compensate the Department for any costs associated with administration, construction, consultants, equipment, inspection, notification, remediation, repair, restoration, or any other actual costs incurred by the City that were made necessary by reason of the repair or restoration undertaken by the Department. The Director's determination as to the cost of the repair or restoration performed shall be final. In addition, the responsible party may be subject to those enforcement actions as set forth in Section 6.4 and 7.0.
- (b) Subject to the limitation set forth in Section 6.2 and 7.0, repair or restoration by the Department in accordance with this Section shall not relieve the Person(s) from liability for future pavement failures at the site of the repair or restoration.

6.4 PENALTIES AND FEES.

- (a) Any Person or Permittee occupying or using any of the public ways of any description of the City in a manner not permitted to the general public, without having first legally obtained the consent of the City in accordance with the requirements contained herein or occupying or using such public ways inconsistent with the requirements of this Manual, shall be guilty of a Class 2 misdemeanor which provides for fines of up to \$1,000 (one thousand dollars). A separate and distinct offense shall be deemed committed each day on which a violation occurs or continues.
- (b) Any Person or Permittee that fails to comply with the requirements as set forth in this Manual will not be allowed to continue to work in the Public Right-of-Way and all future permit requests will be denied.

7.0 EMERGENCY REMEDIATION BY THE DEPARTMENT.

- (a) If, in the judgment of the Director, the site of an excavation is considered hazardous or if it constitutes a public nuisance, public emergency, or other imminent threat to the public health, safety, or welfare that requires immediate action, the Director may order the condition remedied by a written, electronic, or facsimile communication to the Permittee or subcontractor responsible for remedying the condition.
- (b) If the Permittee or subcontractor responsible is inaccessible or fails, neglects, or refuses to take immediate action to remedy the condition as specified in said communication, the Director may remedy the condition or cause the condition to be remedied in such manner as the Director deems expedient and appropriate. The Permittee or subcontractor identified by the Director as the responsible party shall compensate the Department for any reasonable costs associated with administration, construction, consultants, equipment, inspection, notification, remediation, repair, restoration, or any other actual costs incurred by the Department or other agencies, boards, commissions, or departments of the City that were made necessary by reason of the emergency remediation undertaken by the Department. In addition, the responsible party may be subject to those enforcement actions set forth in Section 6.4.
- (c) Subject to the limitation set forth in Section 6.2, remediation by the Department in accordance with this Section shall not relieve the Permittee from liability for future pavement failures at the site of the remediation.

4/18/00

CITY OF NORFOLK
POLICY PERTAINING TO CERTAIN TELECOMMUNICATION AND
CABLE TELEVISION FACILITIES

Applicability: This policy governs the location and installation of all telecommunications, natural gas, and cable television facilities including but not limited to pedestals, power supplies, generators, etc. It does not apply to the replacement of existing facilities unless such facilities are enlarged or relocated.

Purpose: The anticipated increase in construction/installation of telecommunications and other facilities as the result of industry deregulation has given rise to legitimate aesthetic concerns and concerns about maintaining property values, as well as a need to manage public rights-of-way to avoid conflicts and protect the public safety and welfare.

Authority: All franchise agreements allow franchisees to place facilities in the public rights-of-way, but all are subject to the lawful exercise of the City's police powers.

Standards: All facilities subject to this policy shall comply with the following standards:

- (a) *Location.* In no event shall any such facility be located so as to impede pedestrian or vehicular movement or interfere with sight lines.

In no event shall any such facility be located in the City right-of-way between the curb or edge of pavement and the sidewalk without being underground and flush mounted.

Whenever easements are sought from private property owners for the purpose of installing facilities, the franchisee must advise the private property owner in writing of the following:

- that the private property owner is not obligated to provide an easement; and
- that the terms of any such easement agreement are strictly between the private property owner and the franchisee.

Facilities shall be shared with other utilities to avoid duplication wherever feasible.

Facilities shall be located according to the following siting priority, from highest to lowest. It shall be the responsibility of the applicant to demonstrate that a facility cannot be placed on a site having a higher priority:

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1. Right-of-way adjacent to existing City property such as pump station sites, and school sites or the adjacent City property where no usable City right-of-way exists.
2. Existing utility easements in rear or side yards;
3. Easements obtained from a private property owner in a rear or side yard; and
4. City right-of-way adjoining rear or side lot lines with written concurrence of the immediate adjacent property owners.

If the Franchisee can prove hardship and has exercised every reasonable means to obtain the concurrence of the adjacent property owners the Director of Public Works may grant the permit without the concurrence of the adjacent property owners.

(b) *Landscaping.* These landscaping requirements apply only to facilities larger than seven and one-half (7.5) cubic feet in size or taller than two (2) feet in height. The utility shall submit a typical landscaping plan designed by a registered landscape architect. This plan shall be approved by the City's Design Review Committee. Individual landscaping designs made by a registered landscape architect shall be submitted for any site where the typical landscape plan is unworkable. The utility shall submit landscape plans for all sites at one time, whenever possible. The proposed landscaping shall not result in plantings that will pose visibility or maintenance liabilities. The landscaping shall be perpetually maintained by the franchisee for as long as the facility exists and in accordance with maintenance management plans submitted by the franchisee and approved by the City as part of the permit application.

(c) *Maintenance.* The facilities shall be well maintained including horizontal and vertical alignment. Repairs of vandalism or other damage shall be accomplished within 1 week. Graffiti shall be removed within 48 hours. The facilities will be painted every 7 years.

(d) *Color.* All facilities shall be dark green (Federal Color 14062) to render them as visually unobtrusive as is reasonably possible.

(e) *Noise.* All facilities shall comply with the City's noise ordinance.

Permits: No facilities shall be constructed until all required permits have been obtained. All permit plans must show the location of the equipment and the location of all existing Public Utilities and storm drains. Plans shall show the location of the nearest street and the nearest building.

Construction: All facilities subject to this policy shall be constructed in accordance with all applicable ordinances, specifications and standards of the City. Facilities larger than seven and one-half (7.5) cubic feet shall be constructed on grade. Propane facilities shall be prohibited except in locations where natural gas will be unavailable after the existing natural gas line has been extended 500 feet. Plans for propane facilities shall be approved by the Fire Marshall prior to issuance of a permit. The Franchisee agrees by acceptance of the permit, upon notice in

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writing, to remove or relocate at its own expense any structure or installation placed in the right-of-way if such structure or installation interferes with the installation or maintenance of any public facility or use of the right-of-way. Clear zone requirements in accordance with the VDOT Road Design Manual shall apply on all streets where the speed limit is 35 mph or greater. Joint trenching should be used when more than one utility intends to construct new facilities within the same area. Newly installed or upgraded facilities shall be as small and unobtrusive as technology and business conditions allow.

Removal: The Franchisee agrees to remove at its own expense all facilities that are no longer used within 60 days of the end of their use. The Director of Public Works may grant an extension to this time period when he believes that circumstances warrant it.

Application: Application for permits shall be on forms prescribed by the Public Works Director or his designee. Such application shall also be accompanied by plans showing all information required by the Public Works Director or his designee and such other and further information as the Public Works Director or his designee may require in order to demonstrate compliance with the requirements set forth in this policy. A permit from the City Forester will be required for any work needed to be accomplished within the drip line of any public tree.

Other: The requirements of this Policy shall be in addition to, and not in lieu of, the provisions of any other applicable codes, franchise agreements, ordinances, regulations or requirements of federal, state or local law. The Director of Public Works may allow deviations from this policy when in his judgement the specific circumstances warrant such deviations.

Effective Date: This policy shall take effect upon execution by the City Manager.

4/19/00
Date

Lizina H. Williams
City Manager

RIGHT OF WAY PERMIT APPLICATION

(Type or Print Clearly)



Miss Utility Ticket # _____ Norfolk Permit # _____

Permittee Name: _____ Permittee SSN or Tax ID # _____

Permittee Address: _____

(Street)

(City)

(State)

(Zip)

Construction Contact Person: _____ Fax# _____ Phone # _____

Subcontractors Name: _____ Phone # _____

Worksite address: _____ Inspector Zone # _____

Is the proposed work area located within a drip line any public tree? Yes ☐ No ☐Install: Gas line ☐, Electric line ☐, Sewer line ☐, Water line ☐, Storm Drain ☐, Communication line ☐**Description of work for Gas, Sewer, Water, or Storm Drain:**
☐ install new ☐ renew ☐ repair ☐ retire ☐ relocate
☐ main ☐ service lateral ☐ valve ☐ cathodic protection
Description of work for installation of buried Electric or Communications facilities:
Conduit: _____(ft.) Conduit size: _____(in.) Number of conduits: _____ Coaxial Cable: _____(ft.)
Fiber Optic Cable: _____(ft.) Electric Cable/Conductor: _____(ft.) Communications Cable: _____(ft.)
Cover: _____(inches) (24 inches min.)
Pole, Guy, Aerial Cable/Conductor Installation:
Number of poles: New: _____ Renewed: _____ Removed: _____
Number of guy wires/anchors: New: _____ Renewed: _____ Removed: _____
Aerial Cable/Conductor: New: _____ (ft.) Removed: _____ (ft.) Renewed: _____ (ft.)
Cabinets, Flush Mounted Junction Boxes, Pedestals, Pad Mounted Transformers, Switches, Meters, etc.:
Number of cabinets: _____ Number of flush mounted boxes: _____ Number of pedestals: _____ Meters: _____
Number of Transformers: _____ Number of Switches: _____ Number of witness markers: _____
Does installation comply with the City's landscaping and site location policy? Yes ☐ No ☐ Not Applicable ☐
Pavement, Sidewalk, Test Hole - please list cut size in feet for each pavement type:

Asphalt: _____(l) x _____(w) Concrete: _____(l) x _____(w) Dirt: _____(l) x _____(w)

Method of Construction:Open Pavement Cut: ☐ Direct Buried: ☐ Horizontal Directional Drilling (HDD): ☐

A Permit will not be issued unless accompanied by a proper site plan of proposed work. Site plan shall show all requested work on the application including property line or city right of way, edge of pavement, curb & gutter, sidewalk, driveways, closest cross street, city trees and north arrow. Existing sewer and water lines and reference them to the edge of pavement. All work shall be done in accordance with this application or as amended by this office. Please submit application and site plan in duplicate (2 copies).

The Permittee, its agents, employees, officers and assign assume all responsibility and liability for any injury to persons or damage to public or private property, caused directly or indirectly, by the performance of permitted work under this permit. Furthermore, the Permittee, its agents, employees, officers and assignees agree to save and hold harmless the City of Norfolk, its agents, employees and officers from any and all claims, demands, actions, judgments, executions, damages or proceeding for any and all personal actions, judgments, executions, damages or proceedings for any and all personal injury, and injuries to property, real or personal, public or private caused by or arising out of directly or indirectly, from the performance of permitted work.

I certify that the above information is accurate, that proper permission from the pole owner has been obtained to perform the work, and that all work will be done in accordance with the City of Norfolk Right of Way Excavation and Restoration Manual, dated July 1, 2002 as amended.

Date_____
Permittee or Authorized Agent



SPECIAL RIGHT OF WAY PERMIT APPLICATION

(Street, Lane or Sidewalk Closure)

Permittee: _____ Phone# _____ Fax# _____

Sub contractor Name: _____ **Phone#** _____ **Fax#** _____

Address: _____
(Street) (City) (State) (Zip)

Construction Contact Person: _____ **Phone #** _____ **Fax#** _____

Closure location: Address & Block # _____ Inspector Zone _____

Time and Date of closure:

Starting Date: _____ Time: _____ Ending Date: _____ Time: _____

Describe Closure in Detail; street names, lane designation, number of lanes, direction etc.:

[illegible]

Application must be submitted 48 hours in advance of requested closure.

1. A Permit will not be issued unless accompanied by an approved traffic control plan for the proposed closure.
2. Plan must show all traffic control devices, street, lane or sidewalk to be closed, closest cross street, and north arrow. All plans must comply with the latest version of the Virginia Work Area Protection Manual and the Manual for Uniform Traffic Control Devices.

The Permittee, its agents, employees, officers and assign assume all responsibility and liability for any injury to persons or damage to public or private property caused directly or indirectly, by the performance of permitted work under this permit. Furthermore, the Permittee, its agents, employees, officers and assignees agree to save and hold harmless the City of Norfolk, its agents, employees and officers from any and all claims, demands, actions, judgements, executions, damages or proceeding for any and all personal actions, judgements, executions, damages or proceedings for any and all personal injury, and injuries to property, real or personal, public or private caused by or arising out of directly or indirectly, from the performance of permitted work.

I certify that the above information is accurate.

Authorized Representative

Date _____



24 Hour Advance Notice is Required to Perform Work in the Right of Way. Please Fax to 664-4696 prior to starting work.

**Department of Public Works
Right of Way Permit Office**

Company: _____ **Contractor:** _____ **Date:** _____

Contact Person: _____ **Phone Number(s):** _____

MANDATORY	Site Address	Pavement Type	Type of Repair	For Inspector Use Only		
				Date	Inspection First	Final
Permit Number					<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>
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					<input type="checkbox"/>	<input type="checkbox"/>

ATTACHMENT - 5

NORFOLK ARTERIALS

4th View St
21st St (Hampton Blvd to Monticello Ave)
26th St (Hampton Blvd to Lafayette Blvd)
27th St (Hampton Blvd to Lafayette Blvd)
38th St (Hampton Blvd to Granby St)
Admiral Taussig Blvd (Hampton Blvd to I564)
Azalea Garden Rd (Virginia Beach Blvd to Little Creek Rd)
Bainbridge Blvd (South Main St to City Line)
Ballentine Blvd (Westminster Ave to Lafayette Blvd)
Bay Ave (Naval Gate to Granby St)
Bayview Blvd (Granby St to Capeview Ave)
Berkley Ave (Ligon St to Indian River Rd)
Berkley Ave Extended (Fauquier Ave to Campostella Rd)
Boush St
Brambleton Ave
Campostella Rd
Chesapeake Blvd (Ocean View Ave to Lafayette Blvd)
Church St (Wood St to Granby St)
City Hall Ave (Boush St to I264)
Colley Ave (53rd St to Brambleton Ave)
Cromwell Rd
Duke St (Brambleton Ave to Boush St)
Granby St (Church St to Ocean View Ave)
Hampton Blvd
Indian River Rd (Berkley Ave to City Line)
Ingleside Rd (Cromwell Rd to Virginia Beach Blvd)
Jamestown Cresc (Hampton Blvd to 53rd St)
Johnstons Rd (Sewells Point Rd to Little Creek Rd)
Kempsville Rd
Liberty St (State St to City Line)
Little Creek Rd
Llewellyn Ave
Main St
Military Hwy
Monticello Ave (City Hall Ave to Church St)
Newtown Rd (Kempsville Rd to North City Line)
Northampton Blvd
Norview Ave
Ocean Ave (Granby St to Bay Ave)
Ocean View Ave (Shore Dr to 4th View St)
Olney Rd (Duke St to Colley Ave)
Park Ave (Brambleton Ave to Princess Anne Rd)
Princess Anne Rd (Hampton Blvd to Military Hwy)
Robin Hood Rd (Chesapeake Blvd to Military Hwy)
Sewells Point Rd (Princess Anne Rd to Little Creek Rd)
Shore Dr
South Main St (Bainbridge Blvd to Berkley Ave)
St Paul's Blvd
State St
Terminal Blvd
Thole St
Tidewater Dr
Virginia Beach Blvd
Waterside Dr
Wesleyan Dr
Willow Wood Dr (Tidewater Dr to Granby St)
Wilson Rd

ATTACHMENT - 6

NORFOLK COLLECTORS

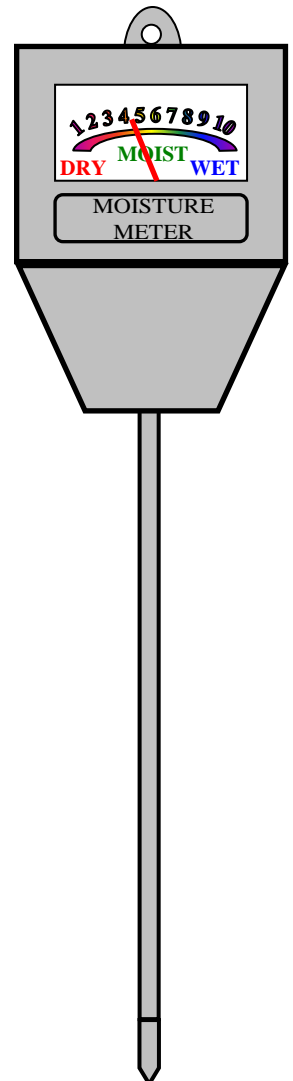
5th Bay St
35th St. (Granby St to Hampton Blvd)
38th St (LaVallette Ave to Granby St)
38th St (Hampton Blvd to Powhatan Ave)
43rd St. (Powhatan to Hampton Blvd)
49th St (Colley Ave to Hampton Blvd)
49th St (Bluestone Ave to Powhatan Ave)
Ballentine Blvd (I264 to Kimball Terr)
Bank St (Main St to City Hall Ave)
Beachview St
Berkley Ave Ext (Campostella Rd to City Line)
Bolling Ave (Jamestown Cresc to Powhatan Ave)
Capeview Ave
Charlotte St.; (Tidewater Dr to Fenchurch St.)
Chesapeake Blvd (Lafayette Blvd to Tait Terr)
Claremont Ave.
Colonial Ave (Olney Rd to New Hampshire Ave)
Columbus Ave (LaVallette Ave to 42nd St)
Corprew Ave; (Park Ave to Ballentine Blvd.)
Curlew Dr.
Delaware Ave
Diven St
Dominion Ave.
Fenchurch St
First View St
Fisherman's Rd; (Bayview Blvd to Chesapeake Blvd)
Glenrock Rd; (Va Beach Blvd to Poplar Hall Dr.)
Granby St.; (Bute St. to Church St.)
Halprin Dr.
Hedgewood La
Herbert St
Indian River Rd (Marsh St to State St)
Ingleside Rd; (Westminister Ave. to Va Beach Blvd.)
Johnston's Rd; (Chesapeake Blvd to Denison Ave.)
Kimball Terrace (Riviera St to Brambleton Ave)
Kingsley La (Granby St to Dead End)
LaVallette Ave (Granby St to Columbus Ave)
Leo St (25th St to 26th St)
Lindenwood Ave. (25th St to Tidewater Dr)
Lowery Rd. (Military Hwy to Kempsville Rd)
Main St E (St Pauls Blvd to Commercial Pl)
Main St E (Bank St to Boush St)
Maltby Ave (Rugby St to Princess Anne Rd)
Maple Ave. (First View St to Dead End)
Mayflower Dr (Delaware Ave to 41st St)
McKann Ave; (Chesapeake Blvd. to Tait Terrace)
Meadow Creek Dr.
Meadowlake Dr.
Merrimac Ave. (
Princess Anne Rd to Corprew Ave)
Mowbray Arch (Olney Rd to Olney Rd)
Muskogee Ave
New Hampshire Ave (Gosnold Ave to Mayflower Rd)
Newport Ave (Little Creek Rd to Kingsley La)
Newtown Rd (Susquehanna Dr to Kempsville Rd)
North Shore Rd (Blanford Cir to 0.74 ME Hampton Blvd)
Norway Place
Ocean View Ave (East City Line to Shore Dr)
Ocean View Ave (4th View St to West City Line)
Old Ocean View Rd
Olney Rd. (Monticello Ave to Boush St)
Park Ave.
Philpotts Rd.
Pleasant Ave.; (5th Bay St. to 30th Bay St.)
Plume St
Poplar Hall Dr. (0.64MW Military Hwy to Virginia Beach Blvd)
Powhatan Ave (38th St to Dead End)
Princess Anne Rd (Hampton Blvd to West Dead End)
Raby Rd.
Rugby St. (Tidewater Dr to Maltby Ave)
Sabre Rd.
Sedgefield Dr.
Sellger Dr.
Sheppard Ave. (Cape View Ave to Tidewater Dr)
South Main St. (Berkley Ave to Indian River Rd)
Springfield Ave
Springmeadow Blvd; (Military Hwy to Hunt Rd.)
Sturgis Rd.
Sturgis St.
Suburban Parkway
Village Ave.
Walter's Dr
Westminister Ave. (Sedgewick St to 0.17 ME Ballentine Blvd)
Windmere Ave (Sewells Point Rd to Herbert St)
Winshire St (WDE to Tidewater Dr)



Moisture Meter

1. Keeping the soil at the proper moisture content is the key factor in obtaining successful compaction.
2. While excavating use the moisture meter to measure the moisture content of the soil using the following steps:
3. **STEPS:**
 - A. Grasp a handful of excavated soil and squeeze it around the stem of the moisture meter.
 - B. Read the scale on the moisture meter and compare it to the chart below. Record the reading on the “**Compaction Inspection Form**”.

SOIL TYPE	PROPER MOISTURE RANGE
Sand	3 - 5
Rock & Sand (road base)	3 - 5
Clay	3 - 5
Sandy loam / Silty Sand	5 - 8
Loam / Silt	5 - 8

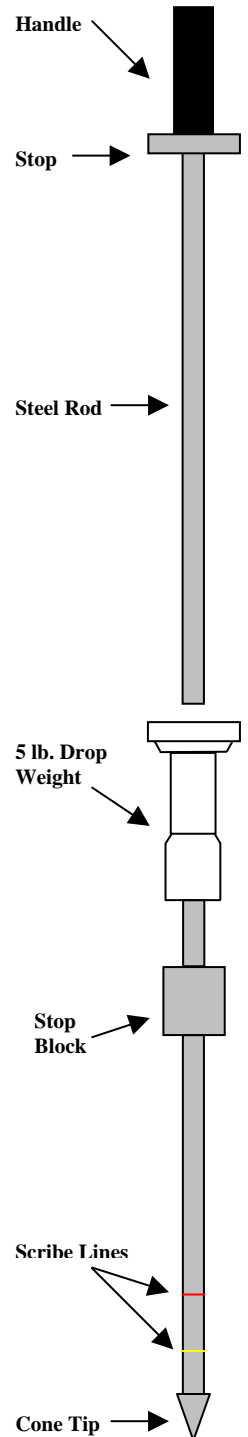


- C. If the soil is listed on the chart and the moisture reading **IS** within the range, no further action is necessary.
- D. If the soil is listed on the chart and the moisture reading is **NOT** within the range, haul off and replace with select backfill material.
- E. Proceed with the Penetrometer testing.







Dynamic Cone Penetrometer (DCP)

1. A minimum of 12 inches of soil should be the first lift over any Utility pipe. Otherwise, backfill area in **4 inch lifts** and compact after each lift.
2. At the **Mid-point** of backfilling, run the compaction test as follows:
3. **STEPS:**
 - A. See **STEP B.** if backfill material is **sand**. Otherwise, place the DCP on the surface, hold vertically and tap down until the top of the cone is flush with the surface. Go to **STEP C.**
 - B. When the backfill material is **sand**, push the cone tip into the sand until it stops. Place a mark on the DCP shaft at 3 1/4 inches above the top of the sand. Follow **STEPS C. - E.**
 - C. Raise the 5-lb. drop weight to the stop and allow it to free-fall.
 - D. Repeat **STEP C.** while counting the number of blows.
 - E. If the DCP penetrates the ground to the yellow line on the rod in **less than 11 blows, more compaction is required.** Compact and perform the Mid-Point compaction test again until the **11 blows** are achieved. Otherwise, record the information on the “**Compaction Inspection Form**”.
 - F. Continue backfilling and compacting until **Final** grade is achieved. Repeat **STEPS A. - E.**
 - G. **NOTE: Pavement Cuts:** The number of tests performed is determined by the size of the excavated area. A minimum of two test (one in the center and one near the edge of the excavation) should be performed. If one test passed and one test failed, a third test should be performed in order to make a decision on how to proceed. **Bases:** The number of tests performed on a street base should be 1 per every 100 Sy and 1 per 20 Lf of sidewalk. Every test performed (regardless of pass or fail status) shall be documented and verified by a Supervisor to assure quality work methods of crews.



ATTACHMENT - 9

 City of Norfolk Department of Public Works	Date: _____ Weather: _____	
COMPACTION INSPECTION FORM INSTRUCTIONS		
Inspector: _____	Neighborhood No.: _____	Permit No.: _____
Address: _____		
Utility Franchise: _____		
Contractor: _____		
Fill Material: _____	Sub-base Type: _____	SAND CLAY
Type of Compaction: _____		
Total No. of 4 inch Lifts: _____	Base Type: _____	ROC CONC.
Minimum Required No. of Blows = 11	Thickness: _____	_____ inches
Mid-Pt: YES NO		
Final: YES NO	Asphalt Thickness: _____	_____ inches
Moisture Meter Reading: _____		
Permittee's Signature: _____		

 City of Norfolk Department of Public Works	Date: _____ Weather: _____	
COMPACTION INSPECTION FORM INSTRUCTIONS		
Inspector: _____	Neighborhood No.: _____	Permit No.: _____
Address: _____		
Utility Franchise: _____		
Contractor: _____		
Fill Material: _____	Sub-base Type: _____	SAND CLAY
Type of Compaction: _____		
Total No. of 4 inch Lifts: _____	Base Type: _____	ROC CONC.
Minimum Required No. of Blows = 11	Thickness: _____	_____ inches
Mid-Pt: YES NO		
Final: YES NO	Asphalt Thickness: _____	_____ inches
Moisture Meter Reading: _____		
Permittee's Signature: _____		